

REMARKS

Claims 1-26 are pending in this application. Applicants gratefully acknowledge that the Office Action indicates that claims 2-3, 9-10, and 24 contain allowable subject matter.

By this Amendment, claims 1-14 are amended. No new matter is added.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The courtesies extended to Applicants' representative by Examiners Tran at the personal interview held on January 11 are appreciated. The reasons presented at the interview as warranting favorable action are incorporated in the remarks below and constitute the record of the interview.

The Office Action rejects claims 1, 4-8, 11-23, and 25-26 under 35 U.S.C. §102(b) as being anticipated by Harada (JP 2000-263770). Applicants respectfully traverse the rejection.

Specifically, Applicants assert that Harada does not disclose a recording medium on which is recorded a control program for a data processor that reduces or prevents fluid misplacement by a fluid-ejecting head having a plurality of fluid ejectors, the recording medium including instructions for causing the data processor to determine delay times between firings of the plurality of fluid ejectors that produce the least amount of ejected fluid misplacement, as recited in independent claim 1, and a determining unit that determines delay times that produce the least amount of ejected fluid misplacement, as recited in independent claim 15.

Harada suggests a CPU that has a function of time delay setting means and a inclination error correcting circuit that compensates for an inclination error at the installation position of the recording head. Furthermore, Harada suggests that a *user* determines the proper delay times by inputting the delay times either based on a measured inclination error of the recording head, or based on a dot array formed that is most nearly parallel to the

horizontal or vertical frame of the recording medium in the absence of a measured inclination error of the recording head.

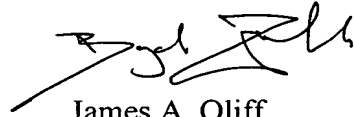
As is clear from the above description, Harada does not disclose recording medium including instructions for causing the data processor to determine delay times between firings of the plurality of fluid ejectors that produce the least amount of ejected fluid misplacement, as recited in independent claim 1, and a determining unit that determines delay times that produce the least amount of ejected fluid misplacement, as recited in independent claim 15.

Therefore, Applicants submit that independent claims 1 and 15 define patentable subject matter. Claims 4-8, 11-14, 16-23, and 25-26 depend from claims 1 and 15, respectively, and therefore, also define patentable subject matter. Accordingly, Applicants respectfully request that the Examiner withdraw the §102(b) rejection.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Bogdan A. Zinchenko
Registration No. 57,473

JAO:BAZ/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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